

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
WESTERN DIVISION

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JUN 07 2012

SIGNATURE DEVELOPMENT, LLC;
JEFF LAGE; and JENNIFER
LANDGUTH,

Civ. No. 11-5019 BEARDSLEY JENSEN
& VON WALD

Plaintiffs,

v.

MID-CONTINENT CASUALTY
COMPANY,

**DEFENDANT'S SECOND
SUPPLEMENTAL RESPONSES TO
PLAINTIFFS' SECOND SET
OF REQUESTS FOR
PRODUCTION OF DOCUMENTS**

Defendant.

Defendant Mid-Continent Casualty Company supplements its responses
to Plaintiffs' Second Set of Requests for Production of Documents as follows:

GENERAL OBJECTIONS

1. Defendant objects to Plaintiffs' discovery requests as they do not describe with reasonable particularity each item or category of items to be inspected pursuant to Fed.R.Civ.P. 34(b)(1)(A). Further, the request does not appear to be reasonably tailored to secure documents relevant to issues in this lawsuit.

2. Defendant objects to Plaintiffs' discovery requests as Plaintiffs do not "specify a reasonable time, place, and manner for the inspection" pursuant to Fed.R.Civ.P. 34(b)(1)(B).

3. Defendant objects to Plaintiffs' definitions, instructions, interrogatories and document requests as improper and unduly burdensome to the extent they seek the disclosure of information and documents protected by the attorney-client privilege, attorney work-product doctrine or any other applicable privilege or doctrine. Such responses as may hereafter be given shall not include any information protected by such privileges or doctrines, and the inadvertent disclosure of such information shall not be deemed a waiver of any such privilege or doctrine.

4. Defendant objects to Plaintiffs' discovery requests as overbroad, unduly burdensome, not calculated to lead to the discovery of admissible evidence, and not relevant to the allegations set forth in the Plaintiffs' Complaint ("Complaint") to the extent that they seek information and documents outside the scope of the Plaintiffs' insurance policy and claims file.

RESPONSES TO REQUESTS FOR PRODUCTION OF DOCUMENTS

COMPANY GOALS AND INCENTIVE PLANS

REQUEST NO. 7: Any and all documents that reference bonus or award programs for which the personnel handling or reviewing claims are or have been eligible in the past, from January 1, 2004, to the present. This would include the claims handlers, supervisors, managers, or any other individuals in the chain of command up to the head of Claims.

RESPONSE: Defendant maintains its previous response. Also, see documents produced and Bates stamped as MCG0001251 – MCG0001263.

REQUEST NO. 9: Any and all documents in use since January 1, 2004, to present which relate to the manner in which claim personnel, including supervisory personnel, might receive increases in salary, bonuses, commissions or awards.

RESPONSE: See Response to Request No. 7.

MISCELLANEOUS

REQUEST NO. 26: Any and all documents in the possession of Defendant which:

- a. Identify the software currently in use by the Defendant's claims handlers, as well as any software in use during the past 5 years.
- b. Provide any documents relating to training or instructions with respect to search capabilities, information retrieval capabilities, or the capability of generating information reports, with respect to any of the software used by any of the Defendant's claims personnel in the past 5 years.

RESPONSE: Defendant maintains its previous response. Also, see documents produced and Bates stamped as MCG0003592 – MCG0003599.

PRIVILEGE LOG

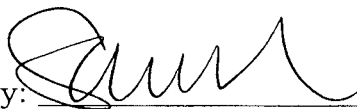
REQUEST NO. 27: If, in responding to this request for production of documents, you withhold production of any document on the ground of a privilege not to disclose the document, please state with respect to each such document:

- a. The type of document involved and a general description of the contents of the document;
- b. The name, business and residence addresses and telephone numbers, and position of the individual from whom the document emanated;
- c. The name, business and residence addresses and telephone numbers, and position of each individual to whom the document or a copy of the document was sent;
- d. The date of the document;
- e. The privilege upon which you rely in withholding the document;
- f. The facts upon which you rely in support of its claim that it is privileged to withhold the document;
- g. The names, business and residence addresses and telephone numbers, and positions or occupations of individuals known or believed by you to have knowledge concerning the factual basis for your assertion of privilege with regard to the document.

RESPONSE: Defendant maintains its previous response. Also, see the attached Privilege Log.

Dated this 7th day of June, 2012.

BANGS, MCCULLEN, BUTLER,
FOYE & SIMMONS, LLP

By: 

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on June 7, 2012, he served a copy of this legal document upon the person herein designated, all on the date below shown, by first class mail to the address shown below:

Steven C. Beardsley, Esq.

Brad Lee, Esq.

Beardsley, Jensen & VonWald

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Blee@blackhillslaw.com

ATTORNEYS FOR PLAINTIFFS

which e-mail address is the last address of the addressee known to the subscriber.

A handwritten signature in black ink, appearing to read 'Sarah', is written over a horizontal line.

Sarah Baron Houy

Mid-Continent Casualty Company

Bates - Begin	Bates - End	Full Name	Author(s)	Recipient(s)	Privilege +
		01. Bad Faith Report, First Quarter 2004	Jim Johnson	PennekampL	Atty-Client and Atty Work Product
		02. Bad Faith Report, Second Quarter 2004	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		03. Bad Faith Report, Third Quarter 2004	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		04. Bad Faith Report, Fourth Quarter 2004	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		05. Bad Faith Report, First Quarter 2005	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		06. Bad Faith Report, Second Quarter 2005	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		07. Bad Faith Report, Third Quarter 2005	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		08. Bad Faith Report, Fourth Quarter 2005	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		09. Bad Faith Report, First Quarter 2006	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		10. Bad Faith Report, Second Quarter 2006	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		11. Bad Faith Report, Third Quarter 2006	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		12. Bad Faith Report, Fourth Quarter 2006	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		13. Bad Faith Report, First Quarter 2007	Jim Johnson	Lisa Pennekamp	Atty-Client and Atty Work Product
		14. Bad Faith Report, Second Quarter 2007	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		15. Bad Faith Report,	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work

Vaughan Index

6/7/2012 10:54 AM

Mid-Continent Casualty Company

Bates - Begin **	Bates - End **	Full Name	Author(s)	Recipient(s)	Privilege + Product
		Third Quarter 2007	**	**	
		16. Bad Faith Report, Fourth Quarter 2007	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		17. Bad Faith Report, First Quarter 2008	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		18. Bad Faith Report, First Quarter 2008	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		19. Bad Faith Report, Second Quarter 2008	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		20. Bad Faith Report, Third Quarter 2008	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		21. Bad Faith Report, Fourth Quarter 2008	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		22. Bad Faith Report, First Quarter 2009	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		23. Bad Faith Report, Second Quarter 2009	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		24. Bad Faith Report, Third Quarter 2009	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		25. Bad Faith Report, Fourth Quarter 2009	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		26. Bad Faith Report, First Quarter 2010	Timothy Clancy	Lisa Pennekamp	Atty-Client and Atty Work Product
		27. Bad Faith Report, Second Quarter 2010	Frank Pope	Lisa Pennekamp	Atty-Client and Atty Work Product
		28. Bad Faith Report, Third Quarter 2010	Frank Pope	Lisa Pennekamp	Atty-Client and Atty Work Product
		29. Bad Faith Report, Fourth Quarter 2010	Frank Pope	Lisa Pennekamp	Atty-Client and Atty Work Product

Vaughan Index

6/7/2012 10:54 AM

Mid-Continent Casualty Company

Bates - Begin	Bates - End	Full Name	Author(s)	Recipient(s)	Privilege +
		30. Bad Faith Report, First Quarter 2011	Frank Pope	Lisa Pennekamp	Atty-Client and Atty Work Product
		31. Bad Faith Report, Second Quarter 2011	Frank Pope	Lisa Pennekamp	Atty-Client and Atty Work Product
		32. Bad Faith Report, Third Quarter 2011	Frank Pope	Lisa Pennekamp	Atty-Client and Atty Work Product
		33. Bad Faith Report, Fourth Quarter 2011	Frank Pope	Lisa Pennekamp	Atty-Client and Atty Work Product
		34. Bad Faith Report, First Quarter 2012	Frank Pope	Lisa Pennekamp	Atty-Client and Atty Work Product
LJ0003	LJ0004	Email re status of case	Craig Pfeifle; Robert Pileggi	Craig Pfeifle; Robert Pileggi	Atty-Client
LJ0005	LJ0005	Internal note re status of document	"R"	Craig Pfeifle	Atty Work Product
LJ0082	LJ0082	Copy of docket with handwritten notes	Craig Pfeifle	N/A	Atty Work Product
LJ0543	LJ0560	Correspondence file with Expert Anderson	Craig Pfeifle; Robert Anderson; Jo Kortemeyer	Caroline Goodspeed; Craig Pfeifle; Billye Davidson; Robert Anderson	Atty-Client and Atty-Expert
LJ0631	LJ0632	Lynn Jackson Open and Closing Information Sheet	Lynn Jackson		Atty Work Product
LJ0633	LJ0640	Lynn Jackson Matter Ledger Report	Lynn Jackson		Atty-Client and Atty Work Product
LJ0641	LJ0643	Email regarding status	Craig Pfeifle	Robert Pileggi	Atty-Client
LJ0644	LJ0644	Letter regarding representation	Greg Erlandson	Craig Pfeifle	Trial Prep/Work Product
LJ0645	LJ0645	Letter re status of matter	Craig Pfeifle	Caroline Goodspeed	Atty-Client
LJ0648	LJ0648	Email string re status and	Craig Pfeifle; Caroline	Caroline Goodspeed;	Atty-Client

Vaughan Index

6/7/2012 10:54 AM

Mid-Continent Casualty Company

Bates - Begin	Bates - End	Full Name	Author(s)	Recipient(s)	Privilege +
**	**	going forward	Goodspeed	Craig Pfeifle	**
LJ0658	LJ0659	Email string with Pfeifle handwriting and notes	Mike Sabers	Craig Pfeifle	Atty Work Product
LJ0660	LJ0663	Email string re status and going forward	Craig Pfeifle; Caroline Goodspeed; Keith Nye	Craig Pfeifle; Caroline Goodspeed; Keith Nye	Atty-Client and Atty Work Product
LJ0668	LJ0679	Email string re case direction	Craig Pfeifle; Caroline Goodspeed; Rhonda Rylance	Craig Pfeifle; Caroline Goodspeed; Rhonda Rylance	Atty-Client and Atty Work Product
LJ0680	LJ0687	Email string re case direction	Craig Pfeifle; Caroline Goodspeed; Rhonda Rylance	Craig Pfeifle; Caroline Goodspeed; Rhonda Rylance	Atty-Client and Atty Work Product
LJ0688	LJ0703	Email string re case direction	Craig Pfeifle; Caroline Goodspeed; Robert Pileggi	Craig Pfeifle; Caroline Goodspeed; Robert Pileggi	Atty-Client and Atty Work Product
LJ0715	LJ0715	Letter re expert bill with attorney mark-ups	Robert Anderson	Craig Pfeifle	Atty-Client and Atty-Expert
LJ0720	LJ0721	Letter re status	Craig Pfeifle	Caroline Goodspeed	Atty-Client
LJ0726	LJ0727	Email string re follow up	Craig Pfeifle; Caroline Goodspeed	Caroline Goodspeed; Craig Pfeifle	Atty-Client
LJ0728	LJ0728	Letter re status	Craig Pfeifle	Caroline Goodspeed	Atty-Client
LJ0737	LJ0737	Letter re status	Craig Pfeifle	Caroline Goodspeed	Atty-Client
LJ0738	LJ0738	Email w/ attached documents	Jo Kortemeyer	Caroline Goodspeed	Atty-Client
LJ0743	LJ0746	Email string re status	Craig Pfeifle; Caroline Goodspeed	Craig Pfeifle; Caroline Goodspeed	Atty-Client
LJ0756	LJ0763	Fax w/ attached documents	Caroline Goodspeed	Craig Pfeifle	Trial Prep/Work Product
LJ0766	LJ0766	File note with to do items	Craig Pfeifle		Atty Work Product

Mid-Continent Casualty Company

Bates - Begin	Bates - End	Full Name	Author(s)	Recipient(s)	Privilege +
LJ0769	LJ0770	Letter re discovery	Craig Pfeifle	Caroline Goodspeed	Atty-Client
LJ0783	LJ0784	Email string re status	Craig Pfeifle	Caroline Goodspeed	Atty-Client
LJ0798	LJ0798	Letter re document request	Craig Pfeifle	Caroline Goodspeed	Atty-Client
LJ0803	LJ0803	Fax cover with documents and attorney notes	Caroline Goodspeed	Craig Pfeifle	Atty-Client and Atty Work Product
LJ0804	LJ0804	Letter re lawsuit with handwritten attorney notes	Merle Scheiber	Legal Dept at Mid-Continent Casualty	Atty Work Product
LJ0805	LJ0806	Handwritten sticky notes and notes	Craig Pfeifle; Rhonda Rylance		Atty Work Product
LJ0807	LJ0814	Internal Email and draft release with handwritten attorney notes	Craig Pfeifle	Rhonda Rylance	Atty Work Product
LJ0815	LJ0815	Internal Email	Craig Pfeifle	Rhonda Rylance	Atty Work Product
LJ0816	LJ0891	Draft Discovery Responses	Craig Pfeifle		Atty Work Product
LJ0892	LJ0892	Lynn Jackson internal appointment Slip			Atty Work Product
LJ0895	LJ0895	Letter re discovery with hand-written attorney notes	Craig Pfeifle; Jerry Johnson		Atty Work Product
LJ0913	LJ0914	Draft discovery responses	Craig Pfeifle		Atty Work Product
LJ0949	LJ0950	Internal Memo	Craig Pfeifle	File	Atty Work Product
LJ0951	LJ0951	Handwritten notes to file	Craig Pfeifle		Atty Work Product
LJ0954	LJ0959	Internal Emails and information for file	Craig Pfeifle	Rhonda Rylance	Atty-Client and Atty Work Product
LJ0960	LJ0961	Email re meeting	Craig Pfeifle	Robert Pileggi	Atty-Client
LJ0962	LJ0963	Draft Pleading (Order)	Craig Pfeifle		Atty Work Product

Vaughan Index

6/7/2012 10:54 AM

Mid-Continent Casualty Company

Bates - Begin	Bates - End	Full Name	Author(s)	Recipient(s)	Privilege +
**	**	with changes and handwriting	**	**	**
LJ0964	LJ0964	Internal note	Craig Pfeifle		Atty Work Product
LJ0965	LJ0966	Internal emails	Craig Pfeifle	Rhonda Rylance	Atty Work Product
LJ0967	LJ0983	Letter w. attached draft discovery	Caroline Goodspeed	Craig Pfeifle	Atty-Client and Atty Work Product
LJ0984	LJ0986	Internal emails	Craig Pfeifle	Rhonda Rylance	Atty Work Product
LJ0987	LJ0994	Draft Discovery Responses with handwritten notes	Craig Pfeifle		Atty Work Product
LJ0995	LJ0996	Email string re status	Craig Pfeifle	Caroline Goodspeed	Atty-Client
LJ0997	LJ0999	Email re draft discovery	Robert Pileggi	Craig Pfeifle	Atty-Client and Atty Work Product
LJ1008	LJ1010	Handwritten notes to file	Craig Pfeifle		Atty Work Product
LJ1011	LJ1011	Internal email	Craig Pfeifle	Rhonda Rylance	Atty Work Product
LJ1012	LJ1014	Internal Memo	Craig Pfeifle	File	Atty Work Product
LJ1015	LJ1016	Internal email	Craig Pfeifle	Rhonda Rylance	Atty Work Product
LJ1017	LJ1020	Email string re status	Caroline Goodspeed; Craig Pfeifle	Craig Pfeifle; Caroline Goodspeed	Atty-Client and Atty Work Product
LJ1021	LJ1021	Draft correspondence never sent	Craig Pfeifle		Atty Work Product
LJ1022	LJ1023	Internal email	Craig Pfeifle	Rhonda Rylance	Atty Work Product
LJ1026	LJ1027	Email re status	Craig Pfeifle; Caroline Goodspeed	Caroline Goodspeed; Craig Pfeifle	Atty-Client and Atty Work Product
LJ1028	LJ1029	Client email	Craig Pfeifle; Caroline Goodspeed	Caroline Goodspeed; Craig Pfeifle	Atty-Client and Atty Work Product
LJ1030	LJ1033	Complaint with notes and			Atty Work Product

Vaughan Index

6/7/2012 10:54 AM

Mid-Continent Casualty Company

Bates - Begin **	Bates - End **	Full Name markups	Author(s) **	Recipient(s) **	Privilege + **
LJ1034	LJ1039	Conflict check, open file sheet, file opening instructions			Atty Work Product
LJ1063	LJ1064	Handwritten notes	Craig Pfeifle		Atty Work Product
LJ1065	LJ1065	Fax Letter	Caroline Goodspeed	Craig Pfeifle	Atty-Client
LJ1118	LJ1118	Note to file			Atty Work Product
LJ1172	LJ1172	Client letter	Caroline Goodspeed	Craig Pfeifle	Atty-Client
LJ1173	LJ1174	Draft discovery responses	Craig Pfeifle		Atty-Client and Atty Work Product